

REMARKS/ARGUMENTS

Claims 25, 26, 29, 30, 34-48 and 51-53 are presently pending in this application. Claims 1-24, 27, 28, 31-33, 49 and 50 have been canceled.

Applicant has amended claim 25 by reciting that the permanent magnet of the holding device is associated with one of the fiberscope part and the additional instrument, and the magnetic counter-element is associated with the other one of the fiberscope part and the additional instrument. Amended claim 25 further recites that "the permanent magnet and the at least one counter-element [are] displaceable relative to one another in a longitudinal direction of the unit for longitudinally displacing the fiberscope part and the at least one additional instrument relative to each other".

New claim 53 differs from claim 25 in that what are believed to be unnecessary limitations, such as the non-round section of the unit, have been deleted and in that the "at least one" wording relative to several of the recited claimed elements has also been deleted as being superfluous.

Similarly to claim 25, new claim 53 recites that the permanent magnet and the magnetic counter-element are associated with the fiberscope part and the additional instrument. Claim 53 further recites that "the permanent magnet and the counter-element [are] displaceable relative to each other in a longitudinal direction of the unit for longitudinally displacing the fiberscope part and the additional instrument relative to each other".

For the reasons discussed at length in the Amendments dated August 6, 2003 and February 9, 2004, the Adair reference over which the claims were rejected neither discloses nor in any form suggests to displace the magnet and counterpart with respect to each other to thereby move the fiberscope part and the additional instrument relative to each other in a longitudinal direction. In Adair, the capsule C_b and the separable section S_b, and the magnetic connection between them as illustrated in Figs. 20-22, cannot be moved relative to each other, as recited in independent claims 25 and 53, to thereby move the instrument in a longitudinal direction.

Application No. 09/913,617
Amendment dated March 19, 2004
Reply to Office Action of February 18, 2004

PATENT


Accordingly, claims 25 and 53, and therewith the subclaims depending from the former, are neither anticipated by nor obvious over Adair. All claims are therefore in condition for allowance.

CONCLUSION

In view of the foregoing, applicant requests a formal notification at an early date that this application is being allowed.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


J. Georg Seka
Reg. No. 24,491

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JGS:jhw
60155283 v1